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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/901,873	07/09/2001	Clifton T. Knight	70055	5953	
7	590 09/04/2003				
McGLEW AND TUTTLE, P.C.			EXAMINER		
SCARBOROUGH STATION SCARBOROUGH, NY 10510-0827			EASHOO	EASHOO, MARK	
			ART UNIT	PAPER NUMBER	
			1722		

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

., .	* · *		\mathcal{L}				
		Application N .	Applicant(s)				
Office Action Summary		09/901,873	KNIGHT ET AL.				
		Examiner	Art Unit				
		Mark Eashoo, Ph.D.	1732				
The MAILING DATE of this communication appears n the c ver sheet with the c rresp ndence address Period for Reply							
THE I - External after - If the - If NC - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ad patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1)⊠	Responsive to communication(s) filed on 09 J	luly 2001 .					
2a) <u></u>		is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi —	on of Claims						
•	4) Claim(s) 1-22 is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
	Claim(s) is/are allowed.						
	Claim(s) is/are rejected.						
	Claim(s) is/are objected to.						
-	Claim(s) <u>1-22</u> are subject to restriction and/or e	election requirement.					
	The specification is objected to by the Examine	-	·				
	The drawing(s) filed on is/are: a)☐ accep		minor				
.0,		· · · · · · · · · · · · · · · · · · ·					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority u	inder 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the prior application from the International Buree the attached detailed Office action for a list of the control of the certification of the prior application for a list of the certification of the prior application of the certification of the prior application of the prior appl	reau (PCT Rule 17.2(a)).	•				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) ☐ The translation of the foreign language pro	visional application has been rec	eived.				
Attachment			with with the pr				
2) 🔲 Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal P	(PTO-413) Paper No(s) Patent Application (PTO-152)				
S Patent and Tr	ademark Office						

U.S. Patent and Trademark Office PTOL-326 (Rev. 04-01) Application/Control Number: 09/901,873

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 and 10-22, drawn to a palletizing die, classified in class 425, subclass 461+.
- II. Claim 9, drawn to a method of pelletizing, classified in class 264, subclass 141.

The inventions are distinct, each from the other because of the following reasons:

Inventions of groups II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP \$ 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as one that extrudes and pelletizes a foamed polymer in a manner that it has a fractured surface .

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to applicant's attorney, Mr. John James McGlew, on 27-AUG-2003 to request an oral election to the above restriction requirement, but did not result in an election being made, because Mr. McGlew's office requested a written restriction

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (703) 308-3606. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Mark Eashoo, Ph.D. Primary Examiner

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me 3-Sep-03